

Chapter 192-905 WAC
EXEMPTIONS

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WAC

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WAC 192-905-005 Eligibility requirements for an employee to receive a permanent exemption from the long-term services and supports trust program. (1) An employee who has long-term care insurance as outlined in RCW 50B.04.085 and attests to this, may apply through December 31, 2022, for a permanent exemption from the premium assessment under RCW 50B.04.080. "Long-term care insurance" has the meaning provided in RCW 48.83.020.

(a) Only an employee who is eighteen years of age or older on the date of application may apply for an exemption.

(b) The employee must provide identification that verifies their age at the time of application.

(c) The department may verify an employee's long-term care insurance coverage and may request additional information from the employee.

(2) Beginning January 1, 2023, an employee who is a veteran of the United States military and has a service-connected disability rating by the United States department of veterans affairs of 70 percent or greater may apply for a permanent exemption from the premium assessment under RCW 50B.04.080.

(a) The employee must provide information sufficient for the department to verify their identity.

(b) The employee must provide documentation of their service-connected disability rating at the time of application.

(c) The department may verify an employee's service-connected disability rating and may request additional information from the employee.

[Statutory Authority: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090, 2022 c 1, and 2022 c 2. WSR 22-20-044, § 192-905-005, filed 9/28/22, effective 10/29/22. Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-005, filed 5/7/21, effective 6/7/21.]

WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program. (1) An employee may apply for a conditional exemption from the premium assessment under RCW 50B.04.080 if:

(a) The employee is a spouse or registered domestic partner of an active duty service member in the United States armed forces whether or not deployed or stationed within or outside of Washington;

(b) The employee holds a nonimmigrant visa for temporary workers, as recognized by federal law; or

(c) The employee maintains a permanent primary residence outside of Washington.

(2) The employee must provide information sufficient for the department to verify their identity.

(3) The employee must provide documentation sufficient to verify or substantiate the exemption under RCW 50B.04.055 at the time of application.

(4) The department may request additional information from the employee at any time.

(5) The employee must notify their employer(s) and the department within 90 days of no longer meeting exemption criteria. Requirements for notification and penalties for failing to provide notification to discontinue the exemption are outlined in WAC 192-905-007.

[Statutory Authority: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090, 2022 c 1, and 2022 c 2. WSR 22-20-044, § 192-905-006, filed 9/28/22, effective 10/29/22.]

WAC 192-905-007 Notification requirements and penalties for discontinuing conditional exemptions. (1) The employee must notify their employer(s) and the department within 90 days of no longer qualifying for an exemption outlined in WAC 192-905-006.

(2) A discontinued exemption will take effect the quarter immediately following notification and premiums will be assessed.

(3) Employees who fail to provide notifications as described in this section and have premiums assessed will owe any unpaid premiums to the department. Unpaid premiums will be assessed interest of one percent, compounded monthly, until payment is made in full.

[Statutory Authority: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090, 2022 c 1, and 2022 c 2. WSR 22-20-044, § 192-905-007, filed 9/28/22, effective 10/29/22.]

WAC 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program? (1) Applications for exemption from the long-term services and supports trust program for individuals who have long-term care insurance purchased before November 1, 2021, will be accepted by the department only from October 1, 2021, through December 31, 2022, per RCW 50B.04.085.

(2) Applications for exemption from the long-term services and supports trust program for veterans who are 70 percent disabled and individuals who apply under WAC 192-905-006 will be accepted beginning January 1, 2023, and will be ongoing.

(3) If approved by the department, an employee's exemption will be effective the quarter immediately following approval.

(4) Applications for exemption will be available online or in another format approved by the department.

[Statutory Authority: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090, 2022 c 1, and 2022 c 2. WSR 22-20-044, § 192-905-010, filed 9/28/22, effective 10/29/22. Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-010, filed 5/7/21, effective 6/7/21.]

WAC 192-905-015 What happens after an employee's exemption application is processed? (1) After an employee's exemption application is processed, the department will send the employee either:

(a) An approval letter stating the employee is exempt from the program; or

(b) A denial letter stating the reason for the denial.

(2) A determination made by the department may be appealed in accordance with RCW 50B.04.120(2).

(3) An employee who is approved for an exemption must notify any current or future employer of their exempt status by providing a copy of their approval letter to the employer.

(4) The employer must maintain a copy of the approval letter provided by the employee.

[Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-015, filed 5/7/21, effective 6/7/21.]

WAC 192-905-020 Is an exempt employee entitled to a refund of premiums? (1) If an exempt employee fails to notify an employer of their exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification was provided.

(2) Any premium deductions made before notification was provided to the employer remain with the employer.

(3) If an employer deducts premiums after the employee provides notification of the employee's exempt status, the employer must refund the deducted premiums to the employee.

[Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-020, filed 5/7/21, effective 6/7/21.]